

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA

vs.

MICHAEL E. MONTGOMERY

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**No.: 3:98CR00124-003
JUDGE JORDAN**

AGREED ORDER OF REVOCATION

A Petition for Revocation of Supervised Release has been filed against the Defendant, Michael Montgomery. The Defendant admits that he has violated certain conditions of his supervised release. An agreement has been reached between the parties, recommending that the Defendant's supervised release should be revoked and that he should receive a sentence of imprisonment of 54 days to be followed by four years supervised release which includes the previously imposed special conditions.

The Defendant waives his right to a hearing pursuant to Rule 32 of the Rules of Criminal Procedure, waives his right to allocate at revocation hearing, and asks that the agreement of the Defendant and the government pursuant to Rule 11 of the Federal Rules of Criminal Procedure be found to be a proper sentence.

This Court has considered the Chapter Seven policy statements in the United States Sentencing Guidelines. The violations committed by the Defendant are "Grade C" violations. The Defendant's criminal history category is III. The advisory guideline range is 5-11 months, and there is a statutory maximum of 36 months imprisonment. The Court has also considered the factors listed in 18 U.S.C. § 3553(a) and the history of the Defendant's mental and psychological difficulties which have a mitigating effect on the Defendant's sentence.

The Court finds that the recommended sentence is sufficient but not greater than necessary to comply with the statutory purpose set forth in U.S.C. § 3553(a). The recommended sentence is within the statutory maximum, is necessary to reflect the seriousness of the violations and offenses committed by the Defendant, promote respect for the law, and deters others who violate supervised release.

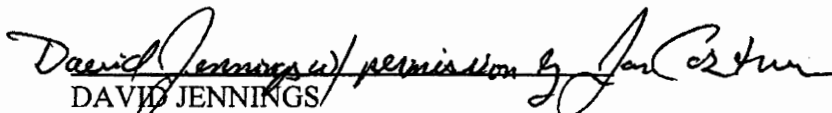
Based on the foregoing, the Court concludes that the recommended sentence is sufficient, but not greater than necessary to accomplish the purposes set forth in 18 U.S.C. § 3553(a) while taking into consideration all of those factors and the Chapter Seven policy statements.

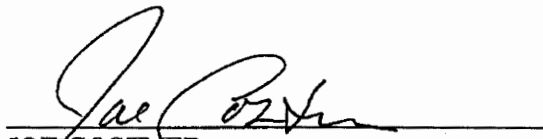
IT IS ORDERED, therefore, that the Defendant's supervised release is hereby REVOKED. The Defendant is sentenced to a term of 54 days of imprisonment with four years supervised release, which includes the previously imposed special conditions.

ENTER this the 30th day of Oct., 2013.


HONORABLE LEON JORDAN
United States District Judge

APPROVED FOR ENTRY:


DAVID JENNINGS
Assistant U.S. Attorney


JOE COSTNER
Attorney for Defendant


MICHAEL MONTGOMERY
Defendant


KATHRYN CALLAWAY
U.S. Probation Officer